



Docket No.: M4065.1019/1019  
(PATENT)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

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In re Patent Application of:  
Joseph F. Brooks

Application No.: 10/796,109

Confirmation No.: 2463

Filed: March 10, 2004

Art Unit: 2891

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For: METHOD OF FORMING A  
CHALCOGENIDE MATERIAL  
CONTAINING DEVICE

Examiner: Asok K Sarkar

**COMMENTS ON STATEMENT OF REASONS**  
**FOR ALLOWANCE UNDER 37 CFR §1.104(E)**

MS Issue Fee  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

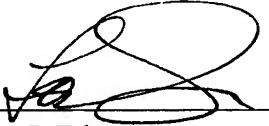
Dear Sir:

While Applicant does not disagree with the Examiner's stated reasons for allowance, Applicant notes that the allowed claims define unique combinations of limitations not found in the prior art. Therefore, the stated reasons for allowance should be interpreted as highlighting only some of the reasons why the claims are allowable.

As usual, the scope of the claims should be interpreted based on the actual language of the allowed claims, and no further limitation of the claims should be inferred from the Examiner's Statement of Reasons For Allowance.

Dated: June 21, 2006

Respectfully submitted,

By 

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Under the Paperwork Reduction Act of 1995, no person are required to respond to a collection of information unless it displays a valid OMB control number.

Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

# FEE TRANSMITTAL For FY 2006

Applicant claims small entity status. See 37 CFR 1.27

<b>TOTAL AMOUNT OF PAYMENT</b>	<b>( \$ ) 1,715.00</b>	Attorney Docket No.	M4065.1019/P1019
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**METHOD OF PAYMENT** (check all that apply)

<input type="checkbox"/> Check	<input checked="" type="checkbox"/> Credit Card	<input type="checkbox"/> Money Order	<input type="checkbox"/> None	<input type="checkbox"/> Other (please identify): _____
<input type="checkbox"/> Deposit Account Deposit Account Number: 04-1073 Deposit Account Name: Dickstein Shapiro Morin & Oshinsky LLP				

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

<input checked="" type="checkbox"/> Charge fee(s) indicated below	<input type="checkbox"/> Charge fee(s) indicated below, except for the filing fee
<input checked="" type="checkbox"/> Charge any additional fee(s) or underpayment of fee(s) under 37 CFR 1.16 and 1.17	<input checked="" type="checkbox"/> Credit any overpayments

**FEE CALCULATION** (All the fees below are due upon filing or may be subject to a surcharge.)**1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

<b>Application Type</b>	<b>FILING FEES</b>		<b>SEARCH FEES</b>		<b>EXAMINATION FEES</b>		
	<b>Fee (\$)</b>	<b>Small Entity Fee (\$)</b>	<b>Fee (\$)</b>	<b>Small Entity Fee (\$)</b>	<b>Fee (\$)</b>	<b>Small Entity Fee (\$)</b>	<b>Fees Paid (\$)</b>
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

**2. EXCESS CLAIM FEES****Fee Description**

Each claim over 20 (including Reissues)

**Small Entity****Fee (\$)**      **Fee (\$)**

50      25

Each independent claim over 3 (including Reissues)

200      100

Multiple dependent claims

360      180

<b>Total Claims</b>	<b>Extra Claims</b>	<b>Fee (\$)</b>	<b>Fee Paid (\$)</b>	<b>Multiple Dependent Claims</b>
45	- 45 =	x	=	<b>Fee (\$)</b> <b>Fee Paid (\$)</b>

HP = highest numer of total claims paid for, if greater than 20.

<b>Indep. Claims</b>	<b>Extra Claims</b>	<b>Fee (\$)</b>	<b>Fee Paid (\$)</b>	<b>Fee (\$)</b> <b>Fee Paid (\$)</b>
4	- 4 =	x	=	

HP = highest numer of independent claims paid for, if greater than 3.

**3. APPLICATION SIZE FEE**

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

<b>Total Sheets</b>	<b>Extra Sheets</b>	<b>Number of each additional 50 or fraction thereof</b>	<b>Fee (\$)</b>	<b>Fee Paid (\$)</b>
- 100 =	/50	(round up to a whole number) x	=	

**4. OTHER FEE(S)**

Non-English Specification, \$130 fee (no small entity discount)

1,400.00

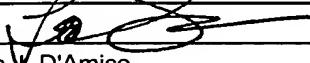
Other (e.g., late filing surcharge): 1501 Utility issue fee

300.00

1504 Publication fee for early, voluntary, or normal ...

15.00

8001 Printed copy of patent w/o color

<b>SUBMITTED BY</b>		<b>Registration No. (Attorney/Agent)</b>	<b>Telephone</b>	<b>(202) 828-2232</b>
Signature		28,371		
Name (Print/Type)	Thomas J. D'Amico		Date	June 21, 2006